UNITED NATIONS **E**

Economic and Social Council

Distr.
GENERAL

E/CN.17/1997/2/Add.16
24 January 1997

ORIGINAL: ENGLISH

COMMISSION ON SUSTAINABLE DEVELOPMENT
Fifth session
7-25 April 1997

Overall progress achieved since the United Nations Conference on Environment and Development

Report of the Secretary-General

Addendum

Protection of the oceans, all kinds of seas, including enclosed and semi-enclosed seas, and coastal areas and the protection, rational use and development of their living resources*

(Chapter 17 of Agenda 21)

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* The report was prepared by the ACC Subcommittee on Oceans and Coastal Areas, as task manager for chapter 17 of Agenda 21, in accordance with arrangements agreed to by the Inter-Agency Committee on Sustainable Development (IACSD). It is the result of consultation and information exchange between United Nations agencies, international and national science organizations,

interested government agencies and a range of other institutions and individuals.

I. KEY OBJECTIVES

1. This report reviews progress made in the implementation of the objectives set out in chapter 17 of Agenda 21 (Protection of the oceans, all kinds of seas, including enclosed and semi-enclosed seas, and coastal areas and the protection, rational use and development of their living resources),[1] taking into account the decisions taken by the Commission on Sustainable Development on this subject at its fourth session, in 1996. The overall goal of chapter 17 of Agenda 21 is to promote the sustainable utilization and conservation of the marine environment and its resources, both in the oceans and in coastal areas. Specific objectives are derived from the seven programme areas of the chapter, namely:

(a) Integrated management and sustainable development of coastal and marine areas, including exclusive economic zones;

(b) Marine environmental protection, from both land-based and sea-based activities;

(c) Sustainable use and conservation of marine living resources of the high seas;

(d) Sustainable use and conservation of marine living resources under national jurisdiction;

(e) Addressing critical uncertainties for the management of the marine environment and climate change;

(f) Strengthening international and regional cooperation and coordination;

(g) Sustainable development of small islands.

2. The sections below discuss the status of implementation of these objectives since the United Nations Conference on Environment and Development (UNCED) in 1992, and identify some emerging issues and concerns.

II. SUCCESSES

3. The concept of integrated management of watersheds, river basins, estuaries and marine and coastal areas is now largely accepted in the United Nations system and in most countries as providing a comprehensive, ecosystem-based approach to sustainable development. Guidelines for integrated coastal area management (ICAM) have been developed for various levels of governance and implementation and are being applied by countries and financing institutions in a growing number of technical assistance projects. The International Coral Reef Initiative (ICRI) and the Global Coral Reef Monitoring Network are new initiatives developed out of the concern of countries for the health of such critical coastal ecosystems as coral reefs, mangroves and seagrass ecosystems.

Secretariat with the United Nations Development Programme (UNDP) has started strengthening the capabilities of local and regional training institutions in the field of coastal and ocean management.

4. With respect to land-based sources of pollution, a major initiative was the convening of an Intergovernmental Conference in Washington, D.C. (23 October-3 November 1995) which adopted the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities, subsequently endorsed by the Commission on Sustainable Development at its fourth session and by the United Nations General Assembly in resolution 51/189, of 16 December 1996. Participating States agreed that effective development and implementation of national programmes of action should focus on sustainable, pragmatic and integrated environmental management, harmonized, as appropriate, with ocean basin management and land-use plans. Regarding marine environmental protection from sea-based pollution, the International Maritime Organization (IMO) has adopted a number of new protocols or amendments to existing conventions to reduce these pollutants, including, most recently, the 1996 Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter 1972 (the London Convention, 1972), approved on 8 November 1996.

5. The legal framework for the sustainable use and conservation of living aquatic resources in the oceans, both in the high seas and under national jurisdiction, has been substantially improved since UNCED by the entry into force, in 1994, of the 1982 United Nations Convention on the Law of the Sea. This Convention establishes the rights and duties of States with respect to the conservation and management of resources as well as marine environmental protection. Governments have increasingly become aware of the need for conservation and management of fishery resources in the high seas as well as in the exclusive economic zones (EEZs) and have, since UNCED, adopted or voluntarily agreed to the following international instruments related to fisheries: the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (1993); the United Nations Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (1995); and the FAO Code of Conduct for Responsible Fisheries (1995).

6. Regarding critical uncertainties, agreement has been reached on a development approach, strategy and time-frame for the Global Ocean Observing System (GOOS), involving many national institutions and with the effective cooperation of a number of United Nations organizations (the International Oceanographic Commission (IOC) of the United Nations Educational, Scientific and Cultural Organization (UNESCO), the World Meteorological Organization (WMO) and the United Nations Environment Programme (UNEP)) and other international organizations, in particular the International Council of Scientific Unions (ICSU). Several regional GOOS programmes have been initiated and there has been an increase in efforts to collect and share critical types of data. In addition, significant progress has been made in numerous scientific domains critical to the understanding of the oceans, such as (i) forecasting of ocean conditions (floods, tsunamis, cyclones) and related warning systems and protective measures; (ii) the role of oceans in relation to greenhouse gases; (iii) quantifying the vulnerability of low-lying areas to climate change and

sea-level rise; (iv) the impact of ultraviolet light on productivity; and (v) implementation of the International Mussel Watch Programme.

7. International cooperation and coordination for the sustainable use of the oceans has been actively addressed by many international, regional and national initiatives, which has helped to focus attention on the critical issues facing Governments as they develop policies for the wise management and use of their ocean and coastal areas. The recommendations reached at the London Workshop on Environmental Science, Comprehensiveness and Consistency in Global Decisions on Ocean Issues (London, 1995), co-sponsored by the Governments of the United Kingdom of Great Britain and Northern Ireland and Brazil, for example, served as a basis for the consideration of this issue at the fourth session of the Commission on Sustainable Development, in 1996. The Commission, in fact, held extensive discussions on how to improve and ensure international cooperation and coordination with regard to oceans. It recommended to the Economic and Social Council, subject to the outcome of the special session of the General Assembly in 1997, that the Commission's future work programme should include a periodic overall review of all aspects of the marine environment and its related issues, as described in chapter 17 of Agenda 21, for which the overall legal framework should be provided by the United Nations Convention on the Law of the Sea, and that the results of such a review should be considered by the General Assembly under an agenda item entitled "Oceans and the law of the sea". It further recommended that this review should draw upon reports of UNEP and other relevant United Nations bodies and international organizations, to be coordinated by the Administrative Committee on Coordination (ACC) Subcommittee on Oceans and Coastal Areas. Finally, to address the need for improved coordination, the Commission invited the Secretary-General to review the working of the Subcommittee, with a view to improving its status and effectiveness, and it also invited the executive heads of the sponsoring agencies and organizations of the Joint Group of Experts on the Scientific Aspects of Marine Environmental Protection (GESAMP), to improve its effectiveness and comprehensiveness while maintaining its status as a source of agreed, independent scientific advice.[2]

8. Subsequent to the Commission's recommendation, and even prior to the fifth session of the Commission and the special session and the fifty-first session of the General Assembly, the Assembly decided in December 1996 to change its annual agenda item from "Law of the sea" to "Oceans and the law of the sea", beginning at its fifty-second session, and requested the Secretary-General to submit to that session a comprehensive report on oceans and the law of the sea in connection with its annual review and evaluation of the implementation of the Convention and other developments relating to ocean affairs and the law of the sea; the Assembly further reaffirmed its view that the problems of ocean space were closely interrelated and needed to be considered as a whole (Assembly resolution 51/34).

III. PROMISING CHANGES

9. As for many other chapters of Agenda 21, implementation of chapter 17 has certainly benefited from an increased awareness on the part of the international community of what is meant by sustainable development and global change, both from a conceptual and a pragmatic point of view. At practically all levels, the

potential of the ocean as a moderator of climate and a provider of food, transportation and recreation is being recognized as a common heritage that requires wise management and protection. Indeed, the General Assembly has recognized this importance in its decision to declare 1998 International Year of the Ocean (resolution 49/131).

10. The relatively successful implementation of chapter 17 is reflected in, and builds upon, a series of important international legal and institutional instruments which have been completed or agreed upon since UNCED. Most significant is the entry into force in 1994 of the 1982 United Nations Convention on the Law of the Sea. In addition to the list of fisheries-related instruments mentioned in paragraph 5 above, other important recent agreements include the Rome Consensus on World Fisheries adopted by the FAO Ministerial Meeting on Fisheries (Rome, March 1995); the Jakarta Initiative entitled "Conservation and Sustainable Use of Marine and Coastal Biological Diversity" (decision II/10 of the second meeting of the Conference of the Parties to the Convention on Biological Diversity) adopted in November 1995; the Kyoto Declaration and Plan of Action of the International Conference on the Sustainable Contribution of Fisheries to Food Security (Kyoto, December 1995); and General Assembly resolutions 51/34 on the law of the sea, 51/35 on the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and 51/36 on large-scale pelagic drift-net fishing; unauthorized fishing in zones of national jurisdiction; and fisheries by-catch and discards.

11. Individually also, Governments have taken significant actions. The direct involvement of member States in support of international initiatives has been an important factor in their success. Many States have started changing their policies and adjusting their legal and institutional frameworks. Often this includes improved mechanisms for peoples' participation, independent policy overview (e.g., in fisheries) and recognition of the role to be played by macroeconomic instruments. In addition, the precautionary principle approach, called for in the Rio Declaration, is progressively being recognized and applied, for example, in fisheries where sectoral guidelines for its application have been developed. National policies are gradually reflecting references to the need to (a) increase research and systematic observations; and (b) address critical uncertainties.

12. Non-governmental organizations (NGOs) have operated as partners in promoting the concepts of sustainable development and responsible fisheries across all the above programmes. A number of non-governmental initiatives have been taken, the impact of which has still to be seen, but which have the potential of mobilizing further energies in favour of improved ocean management. One example is the Independent World Commission on the Oceans, which was established in 1995 with the view to promoting integrated management of the oceans. Attempts are also being made to use consumers' power to promote sustainable fisheries through the establishment of eco-certification of fishery management systems and eco-labelling of fishery products by the Marine Stewardship Council (to be established in 1997) and/or other existing certification systems (e.g., ISO 9000 and 14000).

13. The experience of the United Nations system with the private sector and NGOs (e.g., IMO in the area of shipping, FAO in fisheries, UNESCO/IOC in research) has been very positive and signs of willingness to cooperate further are evident. Moreover, the development of action plans and cooperative programme frameworks for integrated management (e.g., of coastal areas), should offer more opportunities for involvement of the private sector in the intersectoral management of natural resources.

14. Continuation of the long-standing cooperation within the United Nations system dealing with oceans, reinforced by the creation of the Subcommittee on Oceans and Coastal Areas of the Administrative Committee on Coordination, has been a critical factor of success in these endeavours. The recent agreement of the Subcommittee, despite the limited resources available to participating organizations, to operate as an inter-agency facilitating mechanism for the implementation of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities is a further step in system-wide cooperative efforts and could prove essential for the success of the Programme of Action. Inter-agency cooperation will also be important in the United Nations preparations for the 1998 International Year of the Ocean.

15. In the critical cross-sectoral area of financing, it should be noted that the Global Environment Facility (GEF) adopted an Operational Strategy in 1994, within which the international waters and biodiversity components are of particular importance for chapter 17. The role of GEF as a funding mechanism to provide grants and concessional funds to developing countries and countries with economies in transition will be an essential element in inter-agency efforts to meet the needs of countries striving to implement Agenda 21.

16. In addition, recognition of oceans as a major factor in world ecosystem changes, on long-term and planetary scales (e.g., climate change) or medium-term and regional scales (e.g., the El Niño phenomenon) could increase government commitment towards the funding of programmes such as GOOS, the Tropical Oceans and Global Atmosphere (TOGA) programme, the Tropical Atmosphere Ocean Array (TAO) and the World Ocean Circulation Experiment (WOCE).

17. The achievements listed in the preceding section together represent a significant change in the context of sustainable development of the oceans and coastal areas, in the areas of information, legal frameworks, institutions and catalytic financing, auguring well for the future. Since UNCED, government commitments to implement pragmatic approaches to sustainable development, including modifying their legal frameworks, improving institutions, and exploring means of communication with the non-governmental community and the public, have significantly increased, particularly in this domain. Given the entry into force of the United Nations Convention on the Law of the Sea and the increasing pressure exerted by NGOs and the public on Governments, there is reason to expect that the numerous and significant international agreements relating to the ocean and its resources will be acceded to in due course and that they will be duly implemented and enforced, particularly in relation to fisheries management and land-based sources of marine pollution.

IV. UNFULFILLED EXPECTATIONS

18. Within Agenda 21, chapter 17 is particularly complex in that it touches upon almost all sustainable development concerns, from both cross-sectoral and geopolitical viewpoints, and requires particularly effective coordination of policies and action at the national and international levels. However, the past five years have shown that, although there is a marked improvement in the awareness of decision makers of the critical importance of ocean and coastal areas, there is still a need to improve intersectoral coordination at the national level and to better harmonize national policies and positions as expressed at the level of United Nations governing bodies.

19. Despite the notable successes outlined above, the degree of implementation of chapter 17 is still insufficient. Governments are facing interacting problems resulting from global climate change, growing populations (in the developing world), demand for and pressure on living marine resources, and increasing pollution from urbanization and industrialization in the coastal zone. However, governmental action has not yet been sufficient to bring about a reversal in the decline of resources and environmental conditions or to ensure better protection against natural disasters. While legal and institutional instruments have definitely improved the basis for sustainable development of oceans and coastal areas, implementation lags behind owing, among other things, to (a) the difficulty in making political decisions regarding resources and wealth allocation; (b) the difficulty of improving inadequate or inefficient institutions; and (c) in many cases, difficulties in meeting the related financial commitments.

20. While recognizing the need to identify sustainable financing mechanisms at the national and regional levels, it cannot be overemphasized that without adequate financing (and financial assistance) for implementation, many Governments may not be in a position to implement the provisions of the various international undertakings they have subscribed to. Consequently, many of the outstanding objectives within chapter 17 might not be reached. The deficit in financing of UNCED-related strategies is aggravated by the significant decrease in funding available for technical assistance within the United Nations specialized agencies and mechanisms.

21. While the need for improved information is recognized, the actual trend in the quality and quantity of data and information being gathered and exchanged is decreasing owing to the impact of economic constraints, particularly but not only in developing countries and countries with economies in transition, and, often, the lack of real priority accorded by Governments.

22. Action to be taken in preparation for and during the 1998 International Year of the Ocean will help create further awareness and perhaps strengthen the commitments of Governments to solve ocean problems and give the right level of priority to the ocean as a finite economic asset.

V. EMERGING PRIORITIES

23. The report of the Secretary-General on chapter 17, submitted to the Commission at its fourth session (E/CN.17/1996/3 and Add.1), and the consideration of its recommendations by the Ad Hoc Inter-sessional Working Group on Sectoral Issues in February 1996, as well as the decisions of the Commission at its fourth session, provided specific direction for (a) the development of institutional arrangements for the implementation of the Global Plan of Action for the Protection of the Marine Environment from Land-based Activities, with particular emphasis on sectoral integration; (b) the improvement of fisheries management in EEZs and the high seas; (c) the fostering of cooperation particularly in the area of programme coordination (through the ACC Subcommittee on Oceans and Coastal Areas) and provision of independent scientific advice to the United Nations system (e.g., through GESAMP).

24. Among the long list of priorities contained in chapter 17, developments during the past five years have underscored a few which emerge as very critical because of their importance to the process of evolution towards sustainable development. These relate, inter alia, to accelerated and viable (better supported) national implementation, including through regional mechanisms; rehabilitation of critical habitats, particularly in the coastal areas; protection of the marine environment from all sources of pollution, including sewage and reduced impact of land-based activities; better account of intersectoral impacts; controlling resource use and improving resource management approaches; removal of long-term development subsidies; more effective people's participation in decision-making (e.g., through community-based management, co-management); better resource pricing as reflected in new conditions for access to resources (e.g., granting of access rights, payment of user fees).

25. More generally, there is the pressing need to (a) upgrade information and ocean observational systems; (b) improve mechanisms, including institutions, for the appropriate management of ocean resources; (c) improve the availability of technical assistance and finance; and (d) increase the effectiveness of international cooperation. These points are dealt with in more detail below.

A. Information

26. There is a need for better understanding of the interactions between sectoral developments and their impact on the ecosystem, including the reversibility of present situations. In relation to this, Governments should address as a matter of urgency the need to maintain and reinforce systematic data collection and observing systems and to provide access to modern means of information processing and communications (e.g., the Internet), particularly at the regional level.

27. There is a need for better information systems (e.g., integrated information systems, Geographical Information Systems) and support for action-oriented research on multi-criteria analysis, communication and negotiation techniques, participatory methods, rapid appraisal methods, resource rehabilitation and reversibility, economic analysis and resource valuation, the

precautionary approach to development, sustainability indicators and criteria and so forth.

28. Scientific progress in ocean and coastal areas as well as technological developments have greatly improved the contribution of operational oceanography to ocean forecasting, opening the way to improved management and more sustainable development, including through the development of early warning systems in the near future. This is the rationale for the creation of GOOS, the further development of which requires significant commitments at all levels.

B. Resource management

29. The past decade has shown that international trade in ocean products, for which there is a growing demand, has developed much faster than resource management institutions. This has resulted in resource depletion, and progress appears urgently required in three areas. First, exclusive property or use rights should be established to promote more long-term conservation-oriented thinking and behaviour. Second, mechanisms should be created to facilitate the participation of people in resource management decision-making processes. Third, the effectiveness of regional resource management bodies should be improved and mechanisms are needed to ensure better cooperation between those dealing with environmental conservation and those in charge of development.

C. Technical assistance and financing

30. Considering the shortage of funding, cooperation in the delivery of technical assistance, at the global or the regional level, should be enhanced further. Development of global or regional cooperative programme frameworks and action plans should be encouraged, with a view to optimizing the provision of assistance to countries in their implementation efforts. Periodic reviews, at the international or regional levels, drawing attention to problem areas and resolving outstanding issues would be important.

31. Efforts should be stepped up to identify and implement innovative fund-raising strategies and to increase government commitments to sustainable development activities, including through better use of trust funds and "seed money" as well as establishment of user fees, taxes and other financial disincentives. Better coordination among donors is essential to improving the effectiveness of the available financial resources. Finally, there is a need for a change in the profile of financing, with priority given to financial schemes that would mitigate destruction of productivity and/or promote rehabilitation.

D. International cooperation

32. As part of its review of implementation of chapter 17, the Commission on Sustainable Development at its fourth session addressed the need for improved international and inter-agency cooperation and coordination in oceans issues and decided to invite the Secretary-General to review the working of the ACC

Subcommittee on Oceans and Coastal Areas, with a view to improving its status and effectiveness; it also invited the executive heads of the sponsoring agencies and organizations of GESAMP to improve its effectiveness and comprehensiveness while maintaining its status as a source of agreed, independent scientific advice.[2] All participating agencies and organizations of the United Nations system should provide guidance to the Secretary-General in these efforts and, if necessary, seek additional financial support from their member States. The further views of the Commission at its fifth session and of the General Assembly at its special session in June 1997 will also be valuable.

Notes

[1] Report of the United Nations Conference on Environment and Development, vol. I, Resolutions Adopted by the Conference (United Nations publication, Sales No. E.93.I.8 and corrigendum), resolution 1, annex II.

[2] Official Records of the Economic and Social Council, 1996, Supplement No. 8 (E/1996/28), chap. I, decision 4/15, para. 45.